

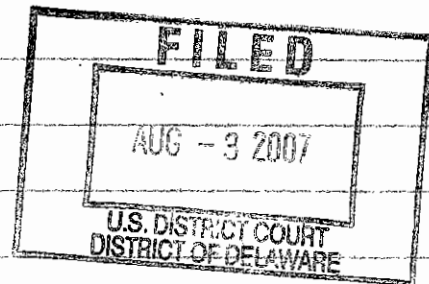
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

KEVIN C. BRATHWAITE  
Plaintiff

V.

C.A. No. 04-1542-G.M.S

Marcello Rispoli, et al  
defendants



PLAINTIFF'S RESPONSE TO DEFENDANTS  
OPPOSITION FOR INJUNCTIVE RELIEF

Comes now, the Plaintiff, Kevin C. Brathwaite, responding to the defendant's opposition for injunctive relief. For his response, this Plaintiff offers the following:

1. IN 2000 this Plaintiff WAS experiencing discomfort in his front tooth, and submitted a sick call slip to request treatment.

2. A Few months later the dentist told this Plaintiff that an infection had developed which needed treatment, Root CANAL or extraction. The dentist proceeded to prescribe an order for Motrin AND Penicillin AND told this Plaintiff to take the Medicine for 14 days, twice per day to treat the infection, AND IF the Penicillin worked then he would get relief. After the prescription ran out, the PAIN AND discomfort WAS gone.

3. ON August, 16<sup>th</sup>, 2000 this Plaintiff contacted the dental department AND told them that the Abscess on his gums had disappeared AND that he no longer felt PAIN or discomfort.

4. ON or about December, 6<sup>th</sup>, 2000 this Plaintiff WAS hit in the mouth by a handball. AND AFTER approximately two weeks the Abscess reappeared AND the PAIN AND discomfort started again. So ON

December, 20<sup>th</sup>, 2000 this Plaintiff submitted another sick call request to see the dentist.

5. ON MARCH, 6<sup>th</sup>, 2001 this Plaintiff WAS prescribed Motrin AND Penicillin once again AND told to take them everyday for 14 days, AND notify the dental department if the Abscess AND PAIN AND discomfort goes AWAY.

6. IN April, 2001, this Plaintiff contacted the dental department AND told them that the Abscess had disappeared AND the PAIN AND discomfort WAS gone.

7. From April, 2001 thru October, 9<sup>th</sup> 2004, this Plaintiff did not have anymore Abscess, pain or discomfort until three AND A HALF years later when this ASSAULT took place ON October, 9<sup>th</sup>, 2004

8. Now for these defendants to suggest that this Plaintiff just unnecessarily sat around for



three AND A HALF years with AN Abscess AND PAIN AND discomfort in his Front teeth is Absolutely ridiculous.

9. The Fact of this MATTER is that AFTER this Plaintiff completed the penicillin prescription back in 2001, his dental problem, Abscess, PAIN AND discomfort WAS gone. UNTIL the problem WAS reaggrieved when he WAS ASSAULTED by these defendants three AND A HALF years later. When this dental problem WAS reaggrieved by the ASSAULT that MAKES these defendants responsible. See, EVANS V. Hennessy 934. F. SUPP, 127, (D-Del 1996)

10. The bruises to this Plaintiff's Mouth that he suffered due to the ASSAULT is clearly documented AND pointed out by the nurse in the illustration in the attached exhibit. AND this ASSAULT is what reaggrieved this Abscess, AND PAIN AND discomfort.

11. The tooth, #9 is now crooked, AND the reason that the #8 tooth needs to have it's filling replaced is because the #9 tooth WAS push against it when this plaintiff WAS Kicked in the mouth while he WAS on the floor on his stomach shackled AND handcuffed.

12. During the "dental exam" 07 July, 23<sup>rd</sup>, 2007, DR. MANN told this Plaintiff that the #8 tooth WAS also chipped among other things not mentioned in his "report". Also his "report" is not signed with his signature AS it should be.

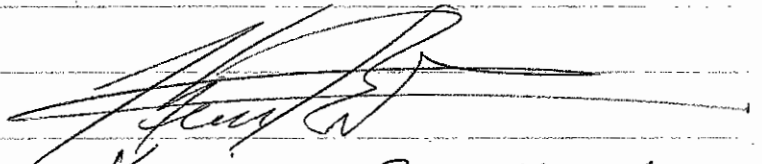
13. IN DR. MANN'S "report" he stated that additional "ideal" treatment are beyond the scope of what C.M.S. provides. But, Prison health care administrators nationwide were well advised to study the new C.D.C.R. PLAN to formulate plans for their own jurisdictions. See, Perez v. Tilton U.S.D.C. ND, CA. NO. 3:05 CV 5241

(Stipulation order).

14. The outside grievance review board reviewed this plaintiff's grievance appeal and as a result of their investigation and review, the Administrative review board granted this plaintiff's appeal. See, ~~the~~ Exhibits attached to the initial motion for injunctive relief. The board upheld the appeal request based on the merits of the grievance.

15. To grant this motion for injunctive relief, not only would the court be enforcing the decision already made at the administrative level, but would also expedite the proper care that this plaintiff should have already received.

Therefore, on these grounds this Plaintiff request that his Motion for injunctive relief be granted AND that he receive the proper dental care to correct his dental problems.

  
KEVIN C. BRATHWAITE  
1181 Paddock Rd.  
SMYRNA DE.  
19977

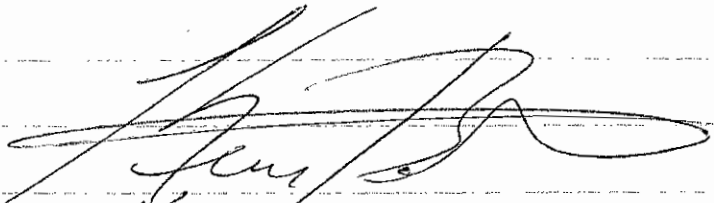
DATE: July, 31<sup>st</sup>, 2007



## Certificate of Service

I Kevin C. Brathwaite states that I have caused a copy of the attached, Plaintiffs response to defendants opposition for injunctive relief, to be mailed to the following party by way of U.S. Postal Service -

ATTY GEN OFFICE  
OPHELIA WATERS, ESQ.  
820 N. French St  
Wilmington De.  
19801

  
Kevin C. Brathwaite  
1181 Paddock Rd.  
SMYRNA DE.  
19977

DATE: July, 31<sup>st</sup>, 2007



UNIT: KEVIN C. BRADTHWITE  
SDI# 315294 UNIT  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



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